

REMARKS

This application has been carefully reviewed in light of the Final Office Action. Claims 1, 2, 4-14, 16-25, 27-35, and 37-50 are pending in the Application. The Final Office Action rejects Claims 1, 2, 4-14, 16-25, 27-35, and 37-50. Applicant has amended Claims 1, 13, 24, and 47-50. Applicant respectfully requests reconsideration and favorable action in this case.

Section 102 Rejections of Claims 1, 2, 4-14, 16-25, 27-35, and 37-50

The Final Office Action rejects Claims 1, 2, 4-14, 16-25, 27-35, and 37-50 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,854,009 to Hughes (“*Hughes*”). Applicant respectfully traverses these rejections.

Applicant has amended Independent Claim 1 to include a limitation reciting “initiating downloading of the selected file and automatically determining, at the client, the identity of and initiating downloading of the at least one associated file.” Independent Claims 13 and 24 have been amended in an analogous manner. Support for these amendments can be found at, for example, at least the passage at Page 14, Lines 4-13 of Applicant’s Specification.

Independent Claim 1, as amended, is allowable at least because *Hughes* fails to disclose, expressly or inherently, “initiating downloading of the selected file and automatically determining, at the client, the identity of and initiating downloading of the at least one associated file.” The Final Office Action relies on various passages of *Hughes* to disclose a prior version of Independent Claim 1. *See Office Action*, Page 5. Whether or not this is correct, *Hughes* fails to disclose, expressly or inherently, the above limitations of amended Independent Claim 1. For example, the Final Office Action concedes that the server identifies the associated files of *Hughes*. *See Final Office Action*, Pages 2-3 (stating “[t]he user profile identifies the selected file . . . but does not identify the associated files, that is done by the server.”) (emphasis added). Consequently, *Hughes* fails to disclose, expressly or inherently, “initiating downloading of the selected file and automatically determining, at the client, the identity of and initiating downloading of the at least one associated file” of Independent Claim 1 (emphasis added).

For at least this reason, Independent Claim 1, as amended, is allowable, as are Claims 2, 4-12, and 47 that depend therefrom. For analogous reasons, Independent Claims 13, 24, and 37, as amended, are allowable, as are Claims 14, 16-23, 25, 27-35, 38-46, and 48-50 that depend therefrom. Reconsideration and favorable action are requested.

Section 102 Rejections of Claims 12, 23, 35, and 46

Dependent Claim 12 is further allowable at least because *Hughes* fails to disclose, expressly or inherently, “generating, by the client, the one or more files for uploading to the server; generating, by the client, a profile associated with each of the one or more files; and uploading, by the client, the profile and the each of the one or more files to the server.” The Final Office Action relies on the server farm 100 of *Hughes* to disclose “the client” of Dependent Claim 12. *See Final Office Action*, Page 3 (stating “[a]lthough Hughes uses the word ‘server’ to describe both machines the server farm ‘uploads’ to the local server thus behaving as a client/server architecture.”).

Even if the Final Office Action is correct in contending that the server farm 100 can behave as a client, which Applicant does not concede, *Hughes* still fails to disclose the limitations of Dependent Claim 12. For example, Dependent Claim 12 depends from Independent Claim 1. As such, “the client” disclosed in Dependent Claim 12 is the same exact client that is disclosed in the limitation “requesting, by the client, downloading of a selected file” of Independent Claim 1. Therefore, even if the server farm 100 of *Hughes* can allegedly behave as a client, as is contended by the Final Office Action, the only way that the server farm 100 of *Hughes* can possibly disclose “the client” of Dependent Claim 12 would be if—and only if—the server farm 100 of Hughes also discloses “requesting, by the client, downloading of a selected file.” Applicant respectfully submits that the server farm 100 of *Hughes* fails to disclose “requesting, by the client, downloading of a selected file”—and the Final Office Action fails to provide any evidence to the contrary. In fact, Applicant respectfully notes that *Hughes* expressly discloses that the client 132, 141a makes a request for files, not the server farm 100. *See Hughes*, Col. 7, Lines 61-64. Consequently, *Hughes* fails to disclose, expressly or inherently, the limitations of Dependent Claim 12.

For at least this additional reason, Dependent Claim 12 is allowable. For analogous reasons, Dependent Claims 23, 35, and 46 are allowable. Reconsideration and favorable action are requested.

Section 102 Rejections of Claims 47-50

Applicant has amended Dependent Claims 47-50 to include “the at least one associated file needing access, either directly or indirectly, to the at least one sub-associated file in order to be used.” Support for these amendments can be found at, for example, at least the passage at Page 9, Line 21 - Page 10, Line 12 of Applicant’s Specification.

Dependent Claim 47, as amended, is further allowable at least because *Hughes* fails to disclose, expressly or inherently, “the at least one associated file needing access, either directly or indirectly, to the at least one sub-associated file in order to be used.” The Final Office Action relies on user data of the passage at Col. 8, Lines 45-49 of *Hughes* to disclose a prior version of Dependent Claim 47. *See Office Action*, Pages 9-10. Whether or not this is correct, *Hughes* fails to disclose, expressly or inherently, the above limitations of amended Dependent Claim 47. For example, although *Hughes* discloses that the user data of *Hughes* can be downloaded, it fails to disclose that the user data is needed in any way, let alone disclose that “the at least one associated file” needs access to it. Consequently, *Hughes* fails to disclose, expressly or inherently “the at least one associated file needing access, either directly or indirectly, to the at least one sub-associated file in order to be used.”

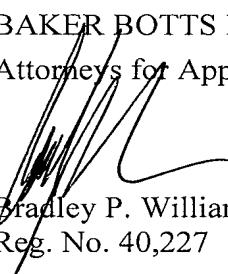
For at least this additional reason, Dependent Claim 47 is allowable. For analogous reasons, Dependent Claims 48-50 are allowable. Reconsideration and favorable action are requested.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicant respectfully requests full allowance of all pending claims.

If the Examiner believes that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact the undersigned Attorney for Applicant at the Examiner's convenience.

Although Applicant believes no other fees are due, the Commissioner is hereby authorized to charge any necessary additional fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

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